IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 269 OF 2007

MR.NOBEL VAZ AND 11 ORS., ... Applicants
Versus
THE MEMBER SECRETARY AND 6 ORS., ... Respondents

Mr. Mahesh Sonak, Advocate for the Applicants.
Ms. Winnie Coutinho, Government Advocate for Respondent Nos. 3, 4, 5 and 8.
Mr. S. D. Lotlikar, Senior Advocate with Mr. Ryan Menezes, Advocate for Respondent No.7.
Mr. C. A. Ferreira, Advocate for Respondent No.6.

Coram:- D. B. BHOSALE &
N. A. BRITTO, JJ.

Date:- 27th November, 2007

P.C.:-

Mr. Sonak, learned Counsel for the Applicants submits that prayer clause (A) has already been granted. Insofar as prayer (B) is concerned, he submits that Respondent No.7 serves food by the pool side without licence, on the basis of the permission granted by the Panchayat allowing out-door catering. Mr. S. D. Lotlikar, learned Counsel for Respondent No.7 on the other hand submitted that the Panchayat has granted permission for out-door catering allowing Respondent No.7 to serve food by the pool side. We are unable to accede to the submission of Mr. Lotlikar. In our opinion, out-door catering would in any case not mean serving food by the pool side. We do not find any such permission or licence allowing Respondent No.7 to serve food by the pool side. Moreover, from the Orders dated 23-4-2007 and 25-4-2007, we find on record that Respondent No.7 has given an undertaking to this Court that they would not carry on the business of restaurant in the Block Nos. 22, 23 and 24 and shall therefore stop any service from the restaurant in the

open space by the pool side. Against this backdrop, we are inclined to allow prayer (B) in the application. Order accordingly.

It appears that in pursuance of the Order dated 25-4-2007 Respondent No.8 has dealt with and decided the application of Respondent No.7 for relocation. However, so far no orders are passed by Respondent No.3. Respondent No.3 shall deal with and decide the said application for relocation of Respondent No.7 as expeditiously as possible and preferably within a period of four weeks from the date of receipt of this order.

Miscellaneous Civil Application disposed of.

D. B. BHOSALE, J.

N. A. BRITTO, J.

RD.